

Remarks

Claims 1-25 are in the application, of which claims 1, 4, 15, and 21 are in independent form. Claim 1 has been amended to correct a minor typographical error.

Claims 1-25 stand rejected on the basis of a defective reissue declaration under 35 USC § 251. Applicant responds to this rejection by submitting a substitute reissue declaration that complies with the requirements the Examiner noted.

The Examiner noted that the original ribboned copy of the patent has not yet been surrendered. Applicant encloses the original patent with this amendment.

Applicant submits for the Examiner's approval photocopies of Figs. 1a, 1b, 1c, and 1d and Fig. 2 marked in red ink to show minor corrections to them. In particular, Figs. 1a, 1b, 1c, and 1d are amended to show they represent prior art, and Fig. 1b changes reference numeral 4'' to 4'. Fig. 2 corrects a typographical error, changing "EDIT" to --EDGE--. Applicant will file a complete set of formal drawings after the Examiner has approved these changes.

Applicant has also amended the specification to correct obvious typographical or printing errors.

Claims 1-5, 11, 13, and 21-23 stand rejected under 35 U.S.C. § 102(e) for anticipation by Onagawa. Claim 8 stands rejected under 35 U.S.C. § 102(a) for obviousness over Onagawa and Examiner Official Notice.

Applicant responds to these rejections by submitting a 37 C.F.R. § 1.131 Declaration of Michael G. West (West Declaration) and a 37 C.F.R. § 1.131 Declaration of Alan L. Lasneski (Lasneski Declaration) to remove Onagawa as a reference. The West Declaration presents as an Exhibit A a detailed specification of the digital display controller in which the claimed inventions were implemented. The West Declaration establishes a date of conception of the claimed inventions that predates October 4, 1995, the effective date of Onagawa. The West Declaration establishes a date of

conception that is before July 18, 1995. The Lasneski Declaration presents Exhibits A and B that trace through the testing process verifying the successful operation of the software algorithms implemented in hardware to accomplish the claimed inventions. The Lasneski Declaration establishes a date of reduction to practice of the claimed inventions of no later than November 15, 1995. The latest date of reduction to practice is fewer than four months after the latest date of conception, which precedes the effective date of Onagawa. The West and Lasneski Declarations, taken together, establish conception before the effective date of Onagawa and diligent subsequent reduction to practice. The following summary of the relevant passages of the West and Lasneski Declarations supports this contention.

West Declaration, paragraph 3, presents an Exhibit A, which is a final draft of a July 18, 1995 Merlin Specification. The 68-page Merlin Specification presents in great detail a description of a then state-of-the-art digital control system, code named "Merlin" system, in which the claimed inventions were implemented. West Declaration, paragraph 7, points to the description of and a pseudo-code algorithm for a Width Detection AutoPhase technique, which is a subject of the claimed invention. This passage explains that "auto-tracking" refers to adjusting the clock frequency, which is accomplished before the clock phase adjustment, and that auto-tracking and auto-phase are accomplished using the same signal set. The auto-phase pseudo-code (but not the auto-tracking pseudo-code) is set out in detail in the Merlin Specification.

West Declaration, paragraph 8, presents Exhibit B, which is a September 5, 1995 transaction record of the receipt by the assignee (then named In Focus Systems, Inc.) of the Merlin ASIC, in which the auto-tracking and auto-phase functions of the Merlin System were implemented. (The receipt of the Merlin ASIC also preceded the October 4, 1995 effective date of Onagawa.)

The Lasneski Declaration presents Exhibits A and B, which chronicle Mr. Lasneski's work on programming the Merlin ASIC to operate the claimed inventions as intended.

Lasneski Declaration, paragraph 5, refers to a November 8, 1995 notebook entry (Ex. B, pages 5-7) that records Mr. Lasneski's preparation for laboratory work on the Merlin ASIC to implement the auto-tracking and auto-phase algorithms. This passage describes these algorithms in great detail.

Lasneski Declaration, paragraph 6, refers to a November 14, 1995 notebook entry (Ex. B, pages 8-10) that records Mr. Lasneski's testing of so-called "pathological situations," which were infrequent, low probability conditions that would degrade overall system performance. Mr. Lasneski states that his work on such operating conditions indicated his satisfaction with the auto-tracking and auto-phase functions of the Merlin ASIC.

Lasneski Declaration, paragraph 7, refers to a November 15, 1995 notebook entry (Ex. B, pages 11 and 12) that records Mr. Lasneski's work on status monitoring, which checks for conditions that would call for a re-run of the auto-phase algorithm. Mr. Lasneski states his status monitoring work indicated that he was then satisfied with the auto-tracking and auto-phase algorithms implemented in the Merlin ASIC.

Applicant contends that the rejections over Onagawa should be withdrawn because the West and Lasneski Declarations demonstrate conception of the claimed inventions before the October 4, 1995 effective date of Onagawa followed by diligent reduction to practice of the claimed inventions.

Applicant believes his reissue patent application is in condition for allowance and respectfully requests the same.

Respectfully submitted,

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